

REMARKS

In the office action mailed September 30, 2002, the specification is objected to because of informalities. Applicants have amended the specification to overcome the informalities. In particular, Applicants have added references to U.S. patent application numbers and filing dates as requested by the Examiner. Applicants have also amended the specification to capitalize trademarks where they appear and provide accompanying generic language.

I. Rejections Under 35 USC §112

Claims 15, 19, 29, 33, 44, and 51 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, it is suggested that the recitation to the terms "preferred" and "upgrade" are considered indefinite. However, Applicants respectfully request reconsideration. The term "preferred" is not considered indefinite in view of the definition in the specification on page 26, lines 11–14. In particular, the specification indicates that preferred vendors "are given preferences when executing vendor transfers or preauthorized payment." For example, only preferred vendors appear on the claim handler interface when giving the claim handler the option of using the execute vendor transfer or execute preauthorized payment options." In view of the above definition, Applicants also submit that the term "upgrade" is not vague or ambiguous. That is, "upgrading" a vendor to a preferred vendor is not ambiguous in view of the definition of "preferred." Accordingly, Applicants submit that the claims are not ambiguous, and are in allowable form.

II. Rejections Under 35 USC §103

Claims 1- 3, 5-9, 11-17, 19-23, 25-31, 33-37, and 39-55 are rejected under 35 USC §103(a) as being unpatentable over Borghesi et al. (hereinafter "Borghesi"). Claims 10, 24 and 38 are rejected under 35 USC §103(a) as being unpatentable over Borghesi as applied to the claims above, and further view of DiRienzo et al.

In response to the rejections, Applicants respectfully request reconsideration. It is suggested in the office action that Borghesi teaches accessing various databases of authorized vendors, and accessing vendor data associated with the list of authorized vendors (col. 12, lines 44-58). It is further suggested that each database inherently has a vendor, and each vendor inherently is authorized since it is in the computer. However, Applicants vehemently disagree with the characterization of the Borghesi reference. Col. 12, lines 44-58 relate to creating or editing an estimate, where several databases are accessed automatically. These databases, such as an OEM part database, a recycled part/salvage part database, a labor cost database, an aftermarket part database, are all accessed to generate an estimate of repairs to a vehicle, or different estimates based upon the types of replacement products that are used. These databases do not represent excluded and authorized vendors, are not accessed to select a particular vendor.

In contrast, Applicants' invention, as set forth in claim 1 for example, is directed to a method of evaluating line item data to enable the selection of an authorized vendor, and receive authorization from a claim handler to execute payment of a selected line item. The claims include numerous limitations which are clearly neither disclosed or suggested in Borghesi. Referring specifically to claim 1, Applicants respectfully submit that Borghesi does not disclose or suggest any of the following elements:

accessing a database of excluded vendors and authorized vendors;

displaying a list of authorized vendors and a list of excluded vendors that correspond with the at least one line item, wherein the authorized vendors are from the group consisting of vendors with a preferred status, franchised vendors, or vendors that allow an upgrade;

receiving a selection of at least one vendor from the list of authorized vendors; and

receiving authorization from a claim handler to execute payment of the selected at least one line item. (Emphasis added).

Emphasis has been added to more clearly show that the claim clearly distinguishes over Borghesi. The databases referred to in Col. 12, lines 44-58 of Borghesi are clearly not databases of excluded vendors or authorized vendors, but merely provide prices for various types of replacement parts to generate an estimate of a repair. In addition to failing to make any distinction between authorized and excluded vendors, Borghesi fails to disclose authorized vendors from the group consisting of vendors with a preferred status, franchised vendors or vendors that allow an upgrade.

Is also noted in the Office Action that Borghesi does not explicitly disclose (i) receiving a selection of at least one vendor from a list of authorized vendors, and (ii) displaying a list of excluded vendors. It is suggested that it would be obvious for one of ordinary skill in the art to include receiving a selection of at least one vendor from a list of authorized vendors because Borghesi teaches that the user may use information from a selected database to thus select a vendor (col. 12, lines 39-44). However, as noted above, Applicants respectfully submitted that the reference to col. 12, lines 39-44 relates to creating or editing an estimate, not select a vendor.

It is further suggested that it would have been obvious to one with ordinary skill in the art to include displaying a list of excluded vendors based on Borghesi because Borghesi teaches that "the list of vendors are updated to include only locations that include parts located therewith and for repair purposes," citing col. 14, lines 25-35. However, col. 14, lines 25-35 relates to comparing repair costs when considering recycled or salvage parts. As set forth in col. 14, lines 25-35, "because the location of the parts may vary, it is preferable for the computer database provider to communicate with repair shops and salvage junkyards that can provide a salvage part list at a particular price and location." This salvage information can be updated to provide to users on a regular basis. Applicants respectfully submit that it is not obvious in view of col. 14, lines 25-35 to display a list of excluded vendors as claimed in claim 1. The remaining independent claims include similar limitations, and are believed allowable for the same reasons.

In response to the rejection of claims 10, 24 and 38 under 35 USC §103(a) is being unpatentable over Borghesi in view of DiRienzo et al., Applicants respectfully

submit that these dependent claims are believed allowable for the same reason that the independent claims are allowable as set forth above.

Applicants respectfully submit that the claims as amended are in a condition for allowance, and request passage to allowance at the earliest possible date.

Respectfully submitted,



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Appendix A

IN THE SPECIFICATION:

This patent application is related to a series of other patent applications including U.S. Patent Application Serial No. 09/667,637, filed September 22, 2000 and entitled "LINE ITEM DATA PROCESSING," and U.S. Patent Application Serial No. 09/667,611, filed September 22, 2000 and entitled "CAPTURE HIGHLY REFINED CLAIM EVALUATION INFORMATION ACROSS MULTIPLE WEB INTERFACES." This patent application and the noted other patent applications have common inventors and are assigned to a common entity.

Fig. 2 shows a computer network containing an insurance host server 130 and a claimant client 110. In this example, a claimant client 110 is interconnected through network 100 to the insurance host server 130. Claimant client 110 includes conventional components, such as processor 205, memory 215, I/O controller 220, and network interface 230. The processor 205, memory 215, I/O controller 220, and the network interface 230 are interconnected through a bus 210. Mass storage 225 is interconnected to the system through I/O controller 220. The architecture illustrated in claimant client 110 is typical for a "PC" type computer, although any type of computer capable of running an Internet browser is contemplated. While a PC typically runs [Microsoft Windows®] WINDOWS® from Microsoft Corporation, a browser can run on claimant client 110 processing any operating system, such as MacOS, [Windows] WINDOWS 2000, [Linux] LINUX, VMS or [Solaris] SOLARIS operating systems.

Insurance host server 130 includes conventional components, such a processor 235, memory 245, I/O controller 250, and network interface 260. The processor 235, memory 245, I/O controller 250, and the network interface 260 are interconnected through a bus 240. Mass storage 255 is interconnected to the system through I/O controller 250. The architecture illustrated in insurance host server 130 is typical for a "PC" type computer, although any type of computer capable of running an Internet web server is contemplated in systems consistent with the invention. While a PC typically

runs [Microsoft Windows®] WINDOWS® software from Microsoft Corporation, a web server can run on any number of hardware and operating system combinations, such as MacOS, [Window] WINDOWS 2000, [Linux] LINUX, VMS or [Solaris] SOLARIS operating systems. Network interface 230 may be a modem, cable modem, DSL modem, or any type of network adapter. In addition, mass storage 255 may be local and connected to the I/O controller as shown, or it, or additional database storage, may be located remotely from the insurance host server via the network interface 230.

IN THE CLAIMS:

1. (Three Times Amended) A method of evaluating line item data, the method comprising the steps of:
 - displaying at least one line item;
 - accessing a database of excluded vendors and authorized vendors;
 - displaying a list of authorized vendors and a list of excluded vendors that correspond with the at least one line item, wherein the authorized vendors are from the group [comprising] consisting of vendors with a preferred status, franchised vendors, or vendors that allow an upgrade;
 - accessing vendor data associated with the list of authorized vendors and the list of excluded vendors;
 - receiving a selection of at least one vendor from the list of authorized vendors; and
 - receiving authorization from a claim handler to execute payment of the selected at least one line item.
15. (Three Times Amended) A system for evaluating line item data, comprising:
 - a processor for executing programs; and
 - a memory for storing a program executable by the processor, the stored program including instructions for (i) displaying at least one line item; (ii) accessing a database of vendors having a list of authorized vendors and a list of excluded vendors ; (iii) displaying the list of authorized vendors and the list of excluded vendors that

correspond with the at least one line item, wherein the authorized vendors are from the group [comprising] consisting of vendors with a preferred status, franchised vendors, or vendors that allow an upgrade; (iv)accessing vendor data associated with the list of authorized vendors and the list of excluded vendors; (v) receiving a selection of at least one vendor from the list of authorized vendors ; and (vi) receiving authorization from a claim handler to execute payment of the selected at least one line item.

29. (Three Times Amended) A computer readable medium containing instructions for controlling a computer system to perform a method for evaluating line item data, the method comprising:

displaying at least one line item;

accessing a database of excluded vendors and authorized vendors;

displaying a list of authorized vendors and a list of excluded vendors that correspond with the at least one line item, wherein the authorized vendors are from the group [comprising] consisting of vendors with a preferred status, franchised vendors, or vendors that allow an upgrade;

accessing vendor data associated with the list of authorized vendors and the list of excluded vendors;

receiving a selection of at least one vendor from the list of authorized vendors; and

receiving authorization from a claim handler to execute payment of the selected at least one line item.

44. (Twice Amended) A method of evaluating line item data, the method comprising the steps of:

displaying at least one line item;

accessing a database having a list of excluded vendors and authorized vendors;

comparing the list of authorized vendors and the list of excluded vendors with the at least one line item, wherein the authorized vendors are from the group [comprising] consisting of vendors with a preferred status, franchised vendors, or vendors that allow an upgrade;

displaying vendor data on the availability of the upgrade for the at least one line item;

receiving a selection of at least one vendor from the list of authorized vendors that corresponds with the at least one line item; and

receiving authorization from a claim handler to execute at least one payment of the selected at least one line item.